

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA ex rel., and
STATE OF NEW YORK ex rel.,
MICHAEL I. LEVINE, M.D.,

Docket No.: 12-cv-05103-LGS

Plaintiff-Relator,

NOTICE OF MOTION

v.

ROBERT MATALON, MD, JOSEPH SHAMS, MD,
DANIEL MATALON, MD, ALBERT MATALON, M.D,
VASCULAR ACCESS CENTERS (and each of its
subsidiary and/or related Corporations),
JAMES McGUCKIN, MD (and any and all clinics owned,
run, managed or operated by him),
PHILADELPHIA VASCULAR INSTITUTE,

Defendants.

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PLEASE TAKE NOTICE that, upon the accompanying Declaration of Stephen Wagner, dated October 24, 2019, and the exhibits thereto, the accompanying Memorandum of Law, and all prior pleadings and proceedings had herein, Defendant Dr. Joseph Shams, M.D. (“Shams”), by and through his counsel, Cohen Tauber Spievack & Wagner, P.C., shall move this Court before the Honorable Lorna G. Schofield at 40 Foley Square, New York, New York, at a date and time to be determined by the Court, for an Order pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing, with prejudice, Relator Michael I. Levine, M.D.’s Amended Complaint in its entirety as against Shams, along with such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's September 10, 2019 Order, papers in opposition to this motion shall be filed on or before November 25, 2019.

Dated: New York, New York
October 24, 2019

COHEN TAUBER SPIEVACK & WAGNER P.C.
Counsel for Defendant Joseph Shams, M.D.

By: /s/ Stephen Wagner
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